



Staff Report to the Zoning Administrator

Application Number: 221270

Applicant: Peter Odryna
Owner: Josh & Laura Stika
APN: 028-111-43
Site Address: 334 13th Avenue, Santa Cruz CA 95062

Agenda Date: January 6th, 2023
Agenda Item #:
Time: After 9:00 a.m.

Project Description:

Proposal to establish a new five-bedroom vacation rental. Requires a Level V Vacation Rental Permit.

Location: Property is located on the east side of 13th Avenue approximately 200 feet north of the intersection of Prospect Street, at 334 13th Avenue.

Permits Required: Vacation Rental Permit

Supervisory District: First District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 221270, based on the attached findings and conditions.

Project Description & Setting

The project site is located on the east side of 13th Avenue in the Live Oak Planning Area, approximately 200 feet north of the intersection of Prospect Street, at 334 13th Avenue in Santa Cruz. The neighborhood is comprised of relatively small parcels (between 2000 and 7000 square feet in size) developed with modest single-family dwellings.

Project site is developed with an existing two story, five-bedroom single-family residence built in 1948 and a detached shed constructed in 2017. This is a proposal to operate a vacation rental in the existing five-bedroom dwelling. As indicated in SCCC 13.10.694(D)(2), a public hearing is required for vacation rentals consisting of four or more bedrooms.

Staff has received public comments expressing concern over the lack of on-street parking on this segment of 13th Avenue. To address neighborhood concerns regarding parking, the proposed Lease Agreement will limit parking to only three (3) vehicles to be parked on the three available on-site parking spaces.

The provided parking will meet the requirements of SCCC 13.10.694(D)(2)(c)(iv) B. Pursuant to this Code Section, parking for vacation rentals is limited to the number of on-site parking spaces. A minimum of one on-site space is required for vacation rentals containing one or two bedrooms and a minimum of two on-site spaces is required for rentals containing three or more bedrooms. The Vacation Rental Ordinance also allows guests to park one additional off-site vehicle in the vicinity of the vacation rental with no exclusive or assigned use of any available street parking. However, due to the narrowness of 13th Avenue and public concerns over parking impacts, parking for this vacation rental permit will be limited to only the required on-site parking spaces. The subject dwelling is comprised of five bedrooms; therefore, two on-site parking spaces are required. Three parking spaces are available on-site, meeting the parking requirements of SCCC 13.10.694(D)(2).

Permit Expiration

Pursuant to SCCC 13.10.694(D), vacation rental permits expire the same month and day five years subsequent to the date of issuance of the Vacation Rental/Renewal Permit; therefore, the date of expiration of this permit, if approved, will be January 6th, 2028.

Further, pursuant to SCCC 13.10.694 (D) (2) any new vacation rental permit issued for vacation rentals consisting of four or more bedrooms shall be given a one-year provisional permit subject to review for compliance with vacation rental code requirements prior to granting the remainder of the standard five-year term. The project has been conditioned accordingly.

Emergency Contact

Peter Odryna has been designated as the 24-hour contact for the vacation rental. 200 Citron Drive is located in Soquel, within the required 30-minute response radius from the proposed vacation rental property.

Zoning & General Plan Consistency

The subject property is a 7971.48 square foot lot, located in the R-1-6 (Single-Family Residential) zone district, a designation which allows Vacation Rental uses. The proposed five-bedroom vacation rental is a conditionally permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

Vacation rentals within residential structures are permitted within the R-1-6 zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance.

The property is located within the Live Oak Designated Area, in which a total of 262 vacation rental permits may be issued and 20% of the Block may be occupied by a vacation rental. There is capacity in both the Designated Area and the Block to accommodate issuance of this permit.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **221270**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. XX Comments & Correspondence (only if comments/correspondence are attached)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 221270

Assessor Parcel Number: 028-111-43

Project Location: 334 13th Avenue, Santa Cruz CA 95062

Project Description: Operate a five-bedroom vacation rental.

Person or Agency Proposing Project: Peter Odryna

Contact Phone Number: (831) 334-2191

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. ☒ **Categorical Exemption**

F. Reasons why the project is exempt:

Class 1 – Existing Facilities: Conversion of an existing single family residence, to a short term residential vacation rental, will not result in environmental impacts in that a vacation rental use is synonymous with a residential use.

Class 3-Conversion of Small Structures: Conversion of the existing single family residence, to allow for short term vacation rental use, will not result in modifications to the existing, legally constructed residential structure.

In addition, none of the conditions described in Section 15300.2 apply to this project.

John Hunter, Project Planner

Date: _____

EXHIBIT A

Development Permit Findings

1. That the proposed location of the vacation rental and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made; in that the proposed residential vacation rental is located in an existing residential structure in an area designated for residential uses and is not encumbered by physical constraints to development. The residential vacation rental will comply with health and safety standards established for vacation rental units, including smoke and carbon monoxide alarms, working ground fault circuit interrupters, emergency egress in all sleeping rooms, and handrails along stairs and walking surfaces above 30 inches in height to insure the optimum in safety. In addition, the vacation rental standards address noise, occupancy, and parking to ensure that there are no detrimental effects of the vacation rental.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the location of the proposed vacation rental and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances, including the vacation rental ordinance, and the purpose of the R-1-6 zone district as the primary use of the property will be a residential vacation rental dwelling that meets all requirements of the vacation rental ordinance.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential vacation rental use is consistent with the use and density requirements specified for the R-UL land use designation in the County General Plan as it is a residential use in an existing residential structure and the vacation rental ordinance implements the standards contained in the Noise Element of the General Plan.

A specific plan has/has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed residential vacation rental is to be located within an existing single family residential structure. The expected level of traffic generated by the proposed vacation rental is commensurate to any other residential use of the dwelling because the short-term rental occupancy of a residence does not change the type of use within the dwelling and, further, guest celebrations that result in temporary increased traffic can occur with both non-vacation rental residential use and vacation rental use.

5. That the proposed vacation rental will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the short-term vacation rental is proposed to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods. Both non-vacation residential uses and vacation rental uses can include celebrations that result in temporary increase in vehicles and building occupancy.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

Pursuant to County Code Section 13.11.040, the proposed residential use is exempt from the Design Review Ordinance.

Conditions of Approval

Exhibit D: Project plans, prepared by Peter Odryna, dated 08/15/2022.

- I. This permit authorizes the operation of a vacation rental, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
 - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form (Exhibit G).
 - B. Issuance of this permit shall not infer approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
 - C. The maximum, overnight occupancy of the vacation rental shall not exceed 12 people (two per bedroom, plus two additional people, children under eight not counted).
 - D. The maximum number of vehicles associated with the operation of this Vacation Rental shall not exceed 3 (number of on-site parking spaces). The rental agreement for this property shall clearly state that on-street parking is not permitted.
 - E. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 24 people (twice the number of overnight occupants, children under 8 not counted).
 - F. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
 - G. A list of rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed, maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., maximum number of vehicles allowed, and a reference to the standards contained in the County Noise Ordinance (County Code Chapter 8.30).

- H. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- I. The vacation rental shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street.
- J. The name, address, and telephone number(s) of the local contact person shall be posted inside the vacation rental in a location readily visible to all guests, and shall be submitted to the local Sheriff Substation, the main County Sheriff's Office, the local fire agency, and shall be supplied to the property owners of all properties located within a 300 foot radius of the parcel on which the vacation rental is located. Any change in the contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified above.
- K. The owner/applicant shall comply with the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for the vacation rental unit.
- L. Permits for vacation rentals shall expire five years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits are non-transferable and become void when a property transfer triggers reassessment.
- M. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- N. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a Level V public hearing to consider permit revocation. "Significant violations" are: citations for violation of Chapter 8.30 SCCC (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.

- O. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney AICP
Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

Parcel Information

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Santa Cruz Municipal
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central FPD
Drainage District:	NA

Parcel Information

Parcel Size:	7971.48 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	13 th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-6 (Single-Family Residential)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (exempt project)

Technical Reviews: None

Environmental Information

XX (if an environmental review document has been prepared, delete the table and include the following language referencing that document): An Initial Study has been prepared (Exhibit XX) that addresses the environmental review associated with this application.

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
Slopes:	0-30%
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Archeology:	Not mapped/no physical evidence on site

TRANSMITTAL FORM

Date: _____

To: Project File

Project Planner: _____

Application #: _____

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

- ☐ Make ____ copies of the attached documents; distribute as follows:
 - ☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
- ☐ Place copy of final staff report/conditions in the Project Listing by APN folder on the shared drive
- ☐ Send copy of CEQA notice to the Clerk of the Board:
 - ☐ Notice of Exemption (include copy of application form indicating COB fee payment)
- ☐ Special instructions:
 - ☐ Send attached exhibit(s) to:
 - ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send attached recordable documents to:
 - ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ _____
 - ☐ _____

Completed by: _____
(staff) (date)